

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

Court Minutes and Order

DATE: May 9, 2019
JUDGE: Pamela Pepper
CASE NO: 2018-cv-1098
CASE NAME: Anita Coleman, *et al.* v. Milwaukee Board of School Directors, *et al.*
NATURE OF HEARING: Status Conference
APPEARANCES: Drew DeVinney – Attorney for the plaintiffs
Matthew Falk – Attorney for MHS Health Wisconsin
Katryna Rhodes – Attorney for the defendants
COURTROOM DEPUTY: Kristine Wrobel
TIME: 9:09 a.m. – 9:25 a.m.

AUDIO OF THIS HEARING AT DKT. NO. 15

The court had scheduled this hearing to hear from the parties about whether the case had progressed as the parties anticipated.

Counsel for the plaintiffs indicated that the parties had stipulated that the plaintiffs could amend the complaint and issue an amended summons. Counsel explained that during discovery the plaintiffs had realized that they needed to add another defendant. He indicated, however, that amended complaint would not add new claims. Counsel further explained that the parties had a few more depositions to take and that, although the parties had engaged in settlement discussions, he was not certain where those efforts stood. Counsel added that the City had predicted it would be filing a motion to dismiss the federal claims; the court's ruling on that motion would impact the direction the plaintiffs wanted to take, and whether the case would need to return to state court.

Counsel for the defendants indicated that even if the defendants moved to dismiss the federal claims, they would want the court to keep the state claims. The court questioned how, under that scenario, the federal court would have jurisdiction. Counsel explained that she'd been assigned the case only recently, and would need to review the file more extensively before articulating the full contours of the motion to dismiss.


Counsel for MHS Health Wisconsin agreed with counsel for the defendants that it made little sense to schedule deadlines until the court had reviewed and ruled on any dispositive motions the defendants might file.

The court proposed that it give the defendants a deadline by which to file their motion to dismiss. After the court decides the motion, the plaintiffs can decide whether they want to amend the complaint or take some other action.

The court **ORDERS** the defendants to file a motion to dismiss by the end of the day on July 12, 2019. The response and reply deadlines mandated by the local rules shall apply.

Dated in Milwaukee, Wisconsin this 9th day of May, 2019.

BY THE COURT:

A handwritten signature in black ink, appearing to be 'P. Pepper', written over a horizontal line.

HON. PAMELA PEPPER
United States District Judge